

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE:

Alisa Rene Byrnes

Debtor(s)

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CASE NO. 19-01427

HON. John T Gregg

**MOTION FOR ENTRY OF ORDER ALLOWING DEBTOR TO FINALIZE
MORTGAGE LOAN MODIFICATION WITH BSI FINANCIAL SERVICES**

The Debtor Alisa R. Byrnes comes before this Court through counsel and for her Motion for Entry of Order Allowing Debtor to Finalize Mortgage Loan Modification with BSI Financial Services states as follows:

1. This Chapter 13 Case was filed on 04/03/2019.
2. The Chapter 13 Plan was Confirmed on 09/03/2019
3. On 12/23/2020 the Debtor filed a Motion to Enter into a Trial Mortgage Loan Modification with BSI Financial Services, and Authorize the Debtor to Temporarily Reduce Monthly Payment (the “first motion”)[DN50]. Said motion was approved by Order of this Court on 12/31/2020 [DN55].
4. Prior to approval of the first motion, the Debtor made monthly payments to the trustee in the amount of \$2,630.00.
5. The terms of the first motion included the following:
 - a. From January 2021 through June 2021 the Trustee was to not make payments towards the ongoing mortgage payments, and was to reserve payments on the pre-petition mortgage arrearages;
 - b. The Debtor’s monthly payments to the Trustee were reduced to \$1,030.22;
 - c. The Debtor was to make six trial loan modification payments to BSI Financial in the amount of \$1,599.78;
 - d. Beginning 7/1/2021 the Debtor’s monthly payments are to increase to \$2,630.00 per month, Trustee is to resume the ongoing mortgage payments, and pre-petition mortgage arrearages pursuant to the terms of the last confirmed Plan.
6. The Debtor has made all required payments to BSI financial required under the terms of the Loan Modification.
7. To date, the Debtor has not received communication from BSI financial regarding the status of her Loan Modification.

8. The Debtor has received notification from BSI Financial that as of June 9, 2021 the servicing of her mortgage was to be transferred from BSI Financial to SN Servicing Corporation. A copy of this notice is attached as **Exhibit A**.
9. To date there has been no transfer of claim or other notification filed with this Court regarding the transfer of servicing of the mortgage.
10. Pursuant to the terms of the last confirmed Plan, beginning 7/1/2021 the Trustee is to make ongoing mortgage payments to BSI Financial in the amount of \$1,598.98 per month, and disburse payments on the pre-petition mortgage arrearages.
11. Based upon representations of BSI Financial, the Loan Modification that has been offered to the Debtor would cure all pre-petition mortgage arrearages and lower her ongoing monthly mortgage payment.
12. Due to the transfer of servicing of the mortgage, there has been confusion about finalizing the loan modification which Counsel is currently attempting to resolve.
13. The Debtor seeks an order from this Court that the Trustee reserve the ongoing monthly mortgage payments in the amount of \$1,598.98 per month, and reserve payments on pre-petition mortgage arrearages in the amount of \$875.00 until:
 - a. further order of this court granting a permanent loan modification and clarifying the treatment of the mortgage arrears;
 - b. correspondence from the creditor or debtor indicating the loan modification was denied;
 - c. an approved amended plan; or
 - d. in any event, no longer than six (6) months from the date of the Order granting this motion.
14. The Debtors plan currently proposes to pay a 100% dividend to the general unsecured creditors in this matter, and that will not be changed should this motion be granted.
15. The only creditor holding a timely filed proof of claim in this matter is the State of Michigan. That claim consists of \$26,820.08 priority unsecured debt, and \$750.87 general unsecured debt. Approval of this motion will not delay or diminish the repayment of this claim.
16. This motion is made in good faith, and is in the best interests of the Debtor and all creditors of the estate.

WHEREFORE, the Debtor humbly requests that this Court enter the proceeding order, and award all other relief as is just and equitable under the circumstances.

Dated: 06/28/2021

/s/
Alisa Rene Byrnes, Debtor

Dated: 06/28/2021

/s/Jeff Mapes
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